

DAVID BURCHARD
CHAPTER 13 TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:
MARTIN CENTENO
7169 BARBI LN
ROHNERT PARK, CA 94928

###-##-4483
Debtor(s).

Case No.: 09-1-3796 AJ13
Chapter 13

NOTICE BY DAVID BURCHARD, CHAPTER 13
TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES

341 MEETING OF CREDITORS:

Date: 12/10/2009
Time: 1:00 PM
Place: Office of the United States Trustee
777 Sonoma Ave., First Floor, #116
Santa Rosa, CA 95404

CONFIRMATION HEARING:

Date: 01/11/2010
Time: 1:30 PM
Place: United States Bankruptcy Court
99 South E Street
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Schedule A reflects the value of Debtor's real property located at 7169 Barbi Ln, Rohnert Park, California as \$350,000.00. Trustee requests an explanation of how Debtor arrived at this value.
2. Debtor's Motion to Avoid Liens' of Bank of America and JP Morgan Chase were filed, and a tentative hearing date is set for January 11, 2010. The Trustee requests that Debtor's Motion to Avoid Liens' be resolved prior to confirmation.
3. Sections 3 and 4 of the Debtor's plan propose fixed monthly payments totaling \$339.44 to be paid through the plan, however, with the Trustee's fee of \$35.00 totals to \$374.44. Debtors' monthly plan payments are \$350.00, thus not allowing for the Trustee's administrative fees. The Trustee will be unable to administer this provision of the plan and requests that Debtor's counsel amend the plan
4. The Trustee requests documentation of EDD income in the last six months prior to filing of the Bankruptcy, or, in the alternative, a Debtor's declaration that details why these payment advices cannot be provided.

5. Debtors' have listed no proposed Chapter 13 plan payment of question 50a of the B22C, while Debtor's plan provides for a plan payment of \$350.00 per month. Trustee requests clarification, or that the appropriate documents are amended so that they are accurate and consistent.
6. Form B22C, lines 25B and 47 improperly list deductions for secured debts the Debtor's Plan seeks to avoid the lien. The Trustee requests an amended Form B22C that removes these deductions.
7. Schedule I lists Debtor's monthly net income in the amount of \$5,650.00, while Schedule J lists monthly expenses in the amount of \$5,548.00, which leaves a difference of \$102.00. Debtor's proposed plan payments are \$350.00 a month. The Trustee questions the feasibility of the Debtor being able to make plan payments under these circumstances. 11 U.S.C. §1325(a)(6) provides that a plan cannot be confirmed if the debtor is unable to make plan payments.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: November 24, 2009

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, DENIZ BRIDGMAN, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

MARTIN CENTENO
7169 BARBI LN
ROHNERT PARK, CA 94928

EVAN LIVINGSTONE
LAW OFFICES OF EVAN LIVINGSTONE
182 FARMER'S LANE 100A
SANTA ROSA, CA 95405

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: November 24, 2009

DENIZ BRIDGMAN

DENIZ BRIDGMAN